

Plattsburgh, NewYork

Building & Zoning Dept. 41 City Hall Place Plattsburgh, New York 12901 Ph: 518-563-7707

Fax: 518-563-6426

_USE CLASS A VARIANCE

X AREA CLASS B VARIANCE

_SUP SPECIAL USE PERMIT

Date:	Appeal No.: 2302			
An application is hereby made to allow the property use as here	o the Zoning Board of Appeals pursuant to the City of Plattsburgh Zoning Ordinance for a var-	iance		
Applicant:	Andy Guay and Amy Couture			
Applicant's Address:	50 Leonard Avenue Plattsburgh NY 12901			
Telephone No.:				
Parcel Identification:	233.8-3-17.1			
Location of Request:	000.00.47.4			
Property Owner:	Andy Guay and Amy Couture			
Request Description:	Variance for rear yard setback			
Zoning District:	R-2 Residential District			
Section Appealed:	Section 360 attachment 2:1	_		
Previous Appeal: No.:_	Date:			
dentify Applicant's Right to Ap	ply for Variance:			
Ownership: X	Long Term Lease:Contract To Purchase:	4		
Other (Please Explain):				
Applications for Zoning Variation 13 copies of existing	ances must be accompanied by: and proposed site plan and proposed floor plan.			

The Zoning Board of Appeals may impose reasonable conditions and restrictions on the grant of area and use variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

JOCELYN P. BOMBARD Notary Public, State of New York #01B05072115 Qualified in Clinton County
My Comm. Expires 01-21-23



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PROCEDURE IN APPEALING THE ZONING ORDINANCE CLASS B VARIANCE

DEADLINE FOR FILING APPLICATION	
ZONING BOARD MEETING DATE	

The Zoning Board of Appeals has been empowered to hear and decide all appeals to the Zoning Ordinance and to do so the Board holds public meetings once a month.

The attached appeal application must be completely filled out and returned to the office for action by the Zoning Board of Appeals at their monthly meeting. The filing fee for said application is as follows:

One and Two-family dwellings - \$50.00 Multiple Dwellings \$150.00 Commercial Properties \$150.00

All checks should be made payable to the "City Clerk". In order for your appeal to be heard in the same month you apply, the appeal form and fee must be received by this office three weeks prior to the scheduled meeting of the Zoning Board of Appeals. All applicants or their representatives should attend the Zoning Board of Appeals Public Meeting of their appeal to answer any questions the Board may have regarding their request.

In filling out the form, please be specific and supply the Zoning Board of Appeals with all the necessary information requested on the form. If you are requesting a variance from the ordinance, you must detail why the literal enforcement of the ordinance will produce an undue hardship, while the variance requested will adhere to the spirit of the ordinance and do substantial justice. Financial disadvantage to the property is no proof of hardship within the purpose of zoning. In addition to the above, an applicant must submit adequate drawings and a site plan of all requests, which will involve any construction, alterations, or physical change of their property. Twelve (12) copies of the entire packet including drawings and site plans are required (we recommend the plans be approved before the twelve (12) copies are made).

Before the Zoning Board of Appeals may hear and decide your appeal, this office must first:

- Publish the request in three successive issues of the Press-Republican newspaper not less than five (5) nor
 more than ten (10) days before the hearings.
- 2. Notify, by letter, all adjoining property owners of your request

This office is responsible for implementing the above requirements.

If there are any questions, please contact this office. Thank you for your cooperation.



Engineers • Planners • Surveyors • Soil & Material Testing

ROBERT M SUTHERLAND P.C.

October 26, 2021

City of Plattsburgh Zoning Board City of Plattsburgh 41 City Hall Place Plattsburgh, NY 12901

RE: Lands of Andy Guay and Amy L. Couture

Dear Members of the Zoning Board:

Andy Guay and Amy L. Couture, the owners of City of Plattsburgh tax parcel: 233.8-3-17.1, wish to construct a single family dwelling on the now vacant parcel.

Based on the current zoning ordinance, Schedule II, Schedule of Area and Bulk Controls, the required rear yard setback for the R-2 Zone is 25 feet. The current tax parcel's geometry prohibits the house as planned to be built without encumbering the rear setback. The proposed home's footprint has a 62' depth, but the current buildable depth of the lot is only 61.7'. The construction of the home as planned will cause a 0.3' encumbrance into the rear yard setback, thus requiring an area variance.

With regard to the criteria for granting an area variance, we offer the following:

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

The construction of this single family home is the first development of the lots on this portion of the former base property. A 0.3' variance would not be noticeable without the virtue of a survey. Therefore, the project will not change the character of the neighborhood or be a detriment to the neighboring properties.

Whether the benefit sought by the Applicant can be achieved by some method; feasible for the Applicant to pursue, other than an area variance;

11 MACDONOUGH STREET, PLATTSBURGH, NY 12901 518.561.6145(PH) 518.561.2496 (FX)
R M S P C . C O M A J . O V I O S @ R M S P C . C O M

The applicants had house plans designed and drawn utilizing buildable area provided by the seller. Upon applying surveyed measurements, relative to existing easement locations and setback requirements, it was determined that the foundation location would intrude in the rear setrback. While the applicant could change their house plan design their deligents has brought them to make this request in hopes to not have the additional expense for the modification of house plans.

Whether the requested area variance is substantial;

The proposed request would lessen the rear yard requirement by one (1) foot is only a 4% variance request.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

This request would not be noticeable to anyone without the virtue of a survey. The issuance of a variance would not have and adverse effect aesthetic and environmental condition in the neighborhood.

Whether the alleged difficulty was self-created;

The alleged difficulty is not self-created as the deminisions used for the home design were provided by the seller. Even if the Board was to consider the application self-created, Section 267-b(3)(b)(5) provides that a "self created hardship" would not preclude the Zoning Board of Appeals from granting a variance.

We hope that this information satisfies your concerns with respect to this matter, and ask that this request be placed on the agenda of the next Zoning Board of Appeals meeting for consideration. To assist in your review, we have enclosed an Area Variance Application, building plans, and site survey.

We thank you for your time in the review of this matter and if you have any further questions, please feel free to contact our office.

Respectfully submitted,

Aaron J. Ovios, P.E.

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

D. (1 D.) (1 D.)			
Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Lands of Andy Guay and Amy L. Couture			
Project Location (describe, and attach a location map):			
City of Plattsburgh tax parcel: 233.8-3-17.1			
Brief Description of Proposed Action:			
The owners of wish to construct a 2,850 sqft single family dwelling on the now vacant parcel			
Name of Applicant or Sponsor:	Telephone:		
Andy Guay and Amy L. Couture	E-Mail:		
Address:			
50 Leonard Avenue			
City/PO:	State:	Zip Code:	
Plattsburgh	NY	12901	
 Does the proposed action only involve the legislative adoption of a plan, local administrative rule, or regulation? 	l law, ordinance,	NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the	nvironmental resources th	nat 🗔	
may be affected in the municipality and proceed to Part 2. If no, continue to ques	tion 2.	iat 🗸	
2. Does the proposed action require a permit, approval or funding from any other list agency (a) remaind a require a permit as a provider of the proposed action requires a permit as a pe	er government Agency?	NO	YES
If Yes, list agency(s) name and permit or approval: City of Plattsburgh Class B Varian City of Plattsburgh Building Permi			V
3. a. Total acreage of the site of the proposed action?	0.24 acres		
b. Total acreage to be physically disturbed?c. Total acreage (project site and any contiguous properties) owned	0.07 acres		
or controlled by the applicant or project sponsor?	0.24 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. Urban Rural (non-agriculture) Industrial Commercia	al 🛮 Residential (subur	rban)	
Forest Agriculture Aquatic Other(Spec	eify):		
Parkland			

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5.	Is the proposed action,	NO	YES	N/A
	a. A permitted use under the zoning regulations?	П	7	П
	b. Consistent with the adopted comprehensive plan?		7	Ī
6.	Is the proposed action consistent with the prodominant character of the minimum halfs and the second section halfs and the second section halfs are second sections.		NO	YES
0.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?			V
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Y	Yes, identify:		V	П
				VEC
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
	b. Are public transportation services available at or near the site of the proposed action?			
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			V
9.	Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If tl	he proposed action will exceed requirements, describe design features and technologies:			
				\checkmark
10.	Will the proposed action connect to an existing public/private water supply?		NO	YES
	If No, describe method for providing potable water:		NO	TLS
	11 140, describe method for providing potable water.			V
11,	Will the proposed action connect to existing wastewater utilities?		NO	YES
	If No, describe method for providing wastewater treatment:			
-				\checkmark
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district	et	NO	YES
whi	ich is listed on the National or State Register of Historic Places, or that has been determined by the numissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the		V	П
Stat	te Register of Historic Places?			
arch	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for naeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			\checkmark
13.	a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			V
			\checkmark	
11 Y	es, identify the wetland or waterbody and extent of alterations in square feet or acres:			

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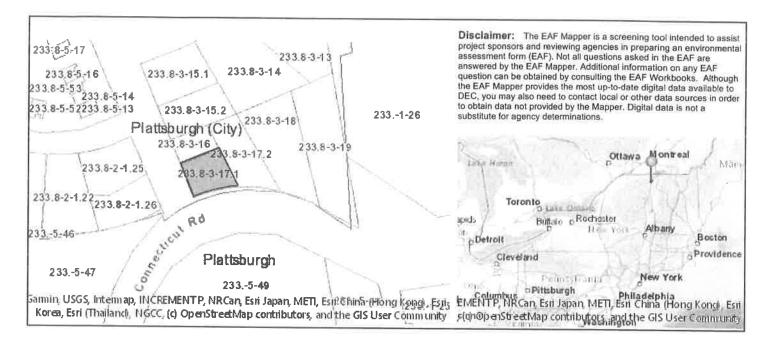
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
■ Wetland ■ Urban ☑ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?	$\overline{\mathbf{V}}$	
		Ш
16. Is the project site located in the 100-year flood plan?	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		\checkmark
a. Will storm water discharges flow to adjacent properties?	$\overline{\mathbf{V}}$	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		V
——————————————————————————————————————		
City of Plattsburgh		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:		
		ш
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility? If Yes, describe:		
If Yes, describe:		\Box
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
If Yes, describe:		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE	ST OF	
MY KNOWLEDGE		
Applicant/sponsor/name:	21	
Signature: Ary Title:		
		- 1

PRINT FORM

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EAF Mapper Summary Report

Tuesday, October 26, 2021 2:29 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Short Environmental Assessment Form - EAF Mapper Summary Report

Map Notes:

- Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of section 7209, sub-division 2 of the New York State Education Law.
- 2. Only copies from the original of this survey marked with an original of the Land Surveyor's embossed seal shall be considered valid true copies. (mylar prints shall be stamped with the surveyor's ink seal with an original
- Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. Said certifications shall run only to the person for whom the survey is prepared and on his behalf the title company, governmental agency, and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.
- Copyright 2021, Robert M. Sutherland, P.C. All rights reserved.
- The location of sub-surface improvements are approximate and compiled from field location and mapping provided by the respective utility companies. The contractor shall confirm the location of all utilities prior to the commencement of excavation.
- 6. Subject to any findings of an accurate abstract of title or those discoverable by inspection.
- Subject to any and all right of ways and easements of record, if any.
- Missing property corners were not set as a result of this survey.

Reference Deed:

Mousseau Properties LLC to Andy Guay and Amy L. Couture by deed dated October 15, 2020 and recorded in Deed Instrument # 2020-311290 on November 4, 2020 in the Clinton County Clerk's Office:

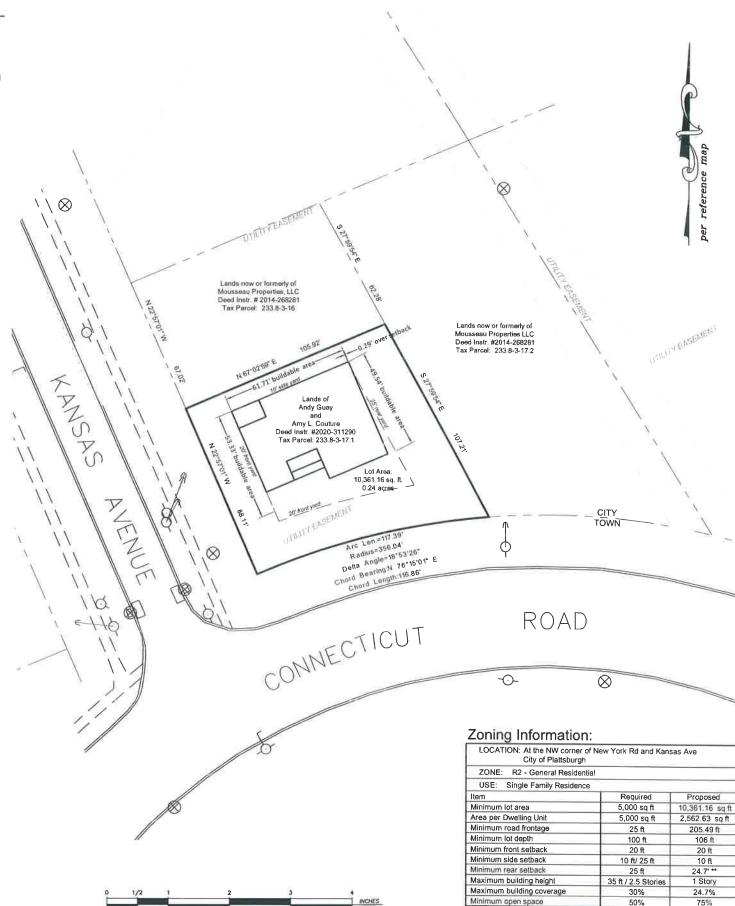
Reference Map:

"West Shore Subdivision Amendment: Resubdivision of Lots 15, 16, and 17 Westshore Subdivision into New Lots M1, M2, M3, M4, and M5 Westshore Subdivision" prepared by Scott P. Allen, P.L.S. Dated May 13, 2015, Last revised September 16, 2015 and Filed in the Clinton County Clerk's Office as filed Filed Map Instrument # 2017-290740.

Certification:

I hereby certify to the parties of interest listed below that this survey was prepared from deeds and maps of record and from an accurate survey performed on ??/??/??

- 1. (owner)
- 2. (title company)
- 3. (lending institution), its successors and assigns



Scale: 1 Inch = 30 Feet

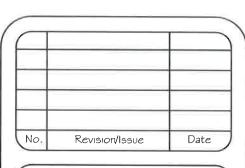
Tax Map Reference:

Denotes variance required

106 ft

20 ft

Section 233.8 - Block 3 - Lot 17.1 City of Plattsburgh County of Clinton



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General Location Map

NTS



ROBERT M. SUTHERLAND P.C. ENGINEERS - PLANNERS - BURVEYORS BOIL & MATERIAL TESTING

11 MACDONOUGH STREET, PLATTBBURGH, NY 12901 518.561.6145(PH) 518.561.2496 (FX) R M S P C . C D M

Project Name \$ Address Map of Survey prepared for

Andy Guay and Amy L. Couture

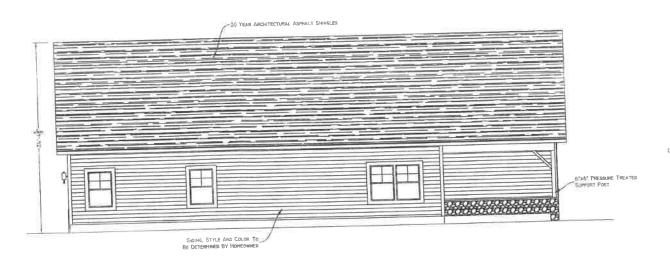
Certain Lands on Kansas Ave.

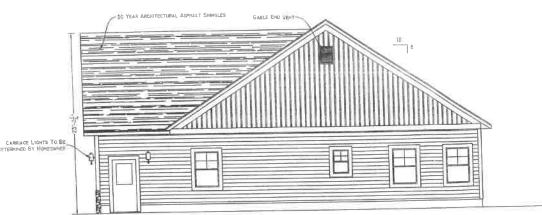
City of Plattsburgh Clinton County

State of New York

Project # 21257	Sheet SURVEY
Date 10/26/2021	1
1" = 30'	'
JGH	Checked JFB

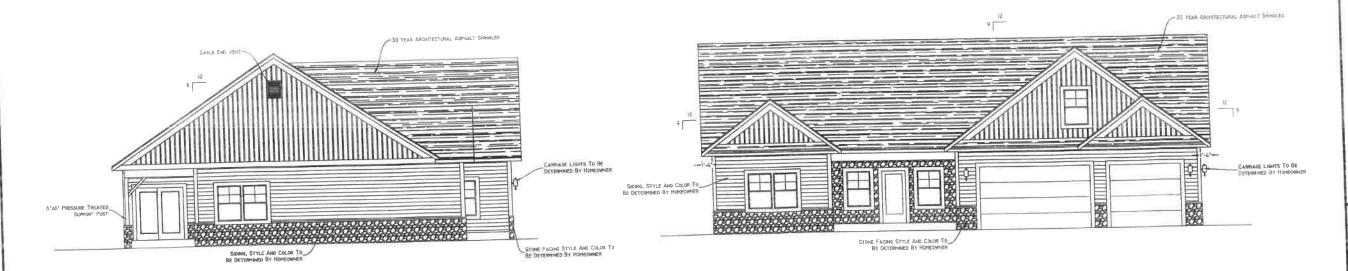






NORTH ELEVATION

EAST ELEVATION



WEST ELEVATION

SOUTH ELEVATION

GUAY RENOVATIONS
CONNECTICUT ROAD
PLATTSBURGH, NEW YORK 12901

ELEVATIONS

PAIL E LORER
PAIL E LORER
19 SHALT ASSELL FLATTERISE NEW TOWN 1996
19 SEPTEMBER 29, 2020
SCALE
3/16" = 1'-0"
2010 97:
P.E. LONER
Jie Nursen
403

